

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

STEVEN L. INSKEEP,

Petitioner,

vs.

PEOPLES SAVINGS BANK, et al.,

Respondent.

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Case No. 3:04cv139

JUDGE WALTER HERBERT RICE

DECISION AND ENTRY ADOPTING REPORT AND RECOMMENDATIONS
OF UNITED STATES MAGISTRATE JUDGE (DOC. #51) IN THEIR
ENTIRETY; PLAINTIFF'S MOTION FOR RECONSIDERATION, TREATED
AS A MOTION FOR NEW TRIAL PURSUANT TO FED. R. CIV. P. 59, OR,
IN THE ALTERNATIVE, FOR A CERTIFICATE OF APPEALABILITY (DOC.
#48) DENIED IN PART AND HELD MOOT IN PART; PETITIONER'S
OBJECTIONS (DOC. #53) TO SAID REPORT AND RECOMMENDATIONS
(DOC. #51) OVERRULED; JUDGMENT TO ENTER IN FAVOR OF
DEFENDANTS AND AGAINST PLAINTIFF HEREIN; TERMINATION
ENTRY

Based upon the reasoning and citations of authorities set forth in the Report
and Recommendations of the United States Magistrate Judge, filed October 10,
2005 (Doc. #51), as well as upon a thorough *de novo* review of this Court's file
and the applicable law, said Report and Recommendations are adopted in their
entirety. The Plaintiff's Objections to said judicial filing (Doc. #53) are overruled.
Plaintiff's Motion for Reconsideration, construed as a timely filed motion for a new

trial pursuant to Fed. R. Civ. P. 59 (Doc. #48-1), is overruled. Petitioner's alternative motion for a Certificate of Appealability (Doc. #48-2) is held moot, given that a Certificate of Appealability is not an essential condition precedent to the filing of a Notice of Appeal in a civil matter, other than in a Petition for Writ of Habeas Corpus.

Judgment is to enter accordingly.

The captioned cause is hereby ordered terminated upon the docket records of the United States District Court for the Southern District of Ohio, Western Division, at Dayton.

/s/ Walter Herbert Rice

September 26, 2006

WALTER HERBERT RICE
UNITED STATES DISTRICT JUDGE

Copies to:

Steven L. Inskeep, Pro Se Petitioner
Ray Cox, Esq.